

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 522

Introduced by Senator ~~Rubio~~ Hueso

February 21, 2013

An act to amend Section 366.1 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 522, as amended, ~~Rubio~~ Hueso. Dependent children: supplemental reports: Supplemental Security Income benefits.

Existing federal law, the Social Security Act, provides for benefits for eligible beneficiaries, including Supplemental Security Income (SSI) benefits for, among others, blind and disabled children. The act authorizes a person or entity to be appointed as a representative payee for a beneficiary who cannot manage or direct the management of his or her money. Existing law requires a county to apply to become a child's representative payee for purposes of these federal benefits during the time the child is placed in foster care.

Existing law establishes the jurisdiction of the juvenile court, which is authorized to adjudge certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes, including the periodic review of the status of every dependent child in foster care, as determined by the court. Existing law requires a supplemental report, with ~~specified~~ *prescribed* contents, to be filed in connection with this review, as specified.

This bill would require the supplemental report to include information regarding whether the county has applied to become the child's representative payee for SSI benefits and whether the county, or any

individual known to the county, has been appointed to serve as *the* representative payee for a child who is receiving SSI benefits while in the county's custody.

By requiring counties to provide additional information in supplemental reports, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 366.1 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 366.1. Each supplemental report required to be filed pursuant
- 4 to Section 366 shall include, but not be limited to, a factual
- 5 discussion of each of the following subjects:
- 6 (a) Whether the county welfare department social worker has
- 7 considered child protective services, as described in Chapter 5
- 8 (commencing with Section 16500) of Part 4 of Division 9, as a
- 9 possible solution to the problems at hand, and has offered those
- 10 services to qualified parents, if appropriate under the circumstances.
- 11 (b) What plan, if any, for the return and maintenance of the
- 12 child in a safe home is recommended to the court by the county
- 13 welfare department social worker.
- 14 (c) Whether the subject child appears to be a person who is
- 15 eligible to be considered for further court action to free the child
- 16 from parental custody and control.
- 17 (d) What actions, if any, have been taken by the parent to correct
- 18 the problems that caused the child to be made a dependent child
- 19 of the court.
- 20 (e) If the parent or guardian is unwilling or unable to participate
- 21 in making an educational decision for his or her child, or if other
- 22 circumstances exist that compromise the ability of the parent or

1 guardian to make educational decisions for the child, the county
2 welfare department or social worker shall consider whether the
3 right of the parent or guardian to make educational decisions for
4 the child should be limited. If the supplemental report makes that
5 recommendation, the report shall identify whether there is a
6 responsible adult available to make educational decisions for the
7 child pursuant to Section 361.

8 (f) (1) Whether the child has any siblings under the court's
9 jurisdiction, and, if any siblings exist, all of the following:

10 (A) The nature of the relationship between the child and his or
11 her siblings.

12 (B) The appropriateness of developing or maintaining the sibling
13 relationships pursuant to Section 16002.

14 (C) If the siblings are not placed together in the same home,
15 why the siblings are not placed together and what efforts are being
16 made to place the siblings together, or why those efforts are not
17 appropriate.

18 (D) If the siblings are not placed together, the frequency and
19 nature of the visits between siblings.

20 (E) The impact of the sibling relationships on the child's
21 placement and planning for legal permanence.

22 (2) The factual discussion shall include a discussion of indicators
23 of the nature of the child's sibling relationships, including, but not
24 limited to, whether the siblings were raised together in the same
25 home, whether the siblings have shared significant common
26 experiences or have existing close and strong bonds, whether either
27 sibling expresses a desire to visit or live with his or her sibling, as
28 applicable, and whether ongoing contact is in the child's best
29 emotional interests.

30 (g) Whether a child who is 10 years of age or older and who
31 has been in an out-of-home placement for six months or longer
32 has relationships with individuals other than the child's siblings
33 that are important to the child, consistent with the child's best
34 interests, and actions taken to maintain those relationships. The
35 social worker shall ask every child who is 10 years of age or older
36 and who has been in an out-of-home placement for six months or
37 longer to identify any individuals other than the child's siblings
38 who are important to the child, consistent with the child's best
39 interest. The social worker may ask any other child to provide that
40 information, as appropriate.

1 (h) The implementation and operation of the amendments to
2 subdivision (g) enacted at the 2005–06 Regular Session shall be
3 subject to appropriation through the budget process and by phase,
4 as provided in Section 366.35.

5 (i) Whether the county has applied to become the child's
6 representative payee for Supplemental Security Income (SSI)
7 benefits and whether the county, or any other individual known
8 to the county, has been appointed by the federal Social Security
9 Administration to serve as *the* representative payee for a child who
10 is receiving SSI benefits while in the county's custody.

11 SEC. 2. If the Commission on State Mandates determines
12 that this act contains costs mandated by the state, reimbursement
13 to local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.